

One thing all interpreters have to come to terms with early in their career is exactly where the responsibility for the content of the message lies – to recognize what is “mine,” versus those for whom I interpret. Our goal as interpreters is to provide equal access to communication, to render the intent and message faithfully -- not to pass judgment or censor. Bottom line, those for whom we interpret have the right to conduct themselves dishonestly and to say and do things that I personally find unacceptable – and the other party involved in the communication has the right to receive that message without my influence.

Sorenson’s filing was very clear in presenting the challenges with identifying illegal conduct, but I’m equally concerned about the possibility of being responsible for *ethical* content. For that term to have true meaning and impact, it has to be defined and shared among a group, in this case the thousands of Video Relay Interpreters (VIs) across the industry. To burden VIs with the task of identifying unethical behavior is problematic, in that the standard for unethical conduct has not been defined. It seems this would open the floodgates for interpreters’ personal ethics to determine the course of these calls, as what is unethical for one may not be unethical for another.

As interpreters, we often are called upon to interpret things that we do not personally agree with. To say that a VI *assists* someone in committing fraud by simply interpreting the message is as ludicrous as saying that a VI who interprets a message regarding abortion has assisted in the act. We need to make sure we delineate the difference between a caller being involved in a fraudulent activity and a VI engaging in fraudulent activity by manufacturing minutes or making other inappropriate decisions in processing video relay calls.

I noticed a respondent to the filing used the word “flagrant” several times. After 7-1/2 years in the industry I am not privy to such flagrant illegal activity. I have never witnessed a call where I even suspected the parties were involved in the distribution of child pornography. I often have a gut feeling, usually about a scam call or occasionally a drug deal, and am probably right most of the time; still I cannot think of one situation where I would have felt confident enough to terminate a call based on moral ethics or the legality of what was taking place. American Sign Language (ASL) is classified as a High Context language; in other words, much of the meaning in a specific communication depends on a shared knowledge base and is not overtly expressed. Additionally, my observation is that when two parties are willingly engaged in a suspect activity, such as a drug deal, they are intentionally vague. This makes it extremely difficult for another party, even the interpreter, to have full knowledge or understanding of the message.

Two situations have been mentioned when we as VIs disconnect only when we can actually witness for ourselves that VRS is being used illegitimately (VRI and illegitimate VCO). Most the time we have only a suspicion. My personal habit is to ask the caller, “Are you in the same place?,” “Are you deaf or hearing?,” or a similar question, and respond accordingly. My rationale is that I’ve done my due diligence and that the responsibility for any dishonesty rests with the caller.

Thankfully there is a mechanism in place through which to report the rare instances when we as VIs witness abuse taking place in a call, but we can and do interpret during this arguably illegal activity. It seems incongruent to think that we would be expected to interpret a call where a child is being physically or sexually abused, yet at the same time be liable for wire fraud if interpreting a conversation regarding the sale of photos from that same abuse.

Clearly the intent of controlling fraud and preventing criminal activity is admirable, but I feel to make the VI accountable for anything more than faithfully rendering the message places an undue burden on him/her and ultimately damages the trust between the interpreting profession and the Deaf community.

The ADA was intended to *empower* people with disabilities, to even the playing field – not to police them. The Deaf community has fought long and hard to come out from under the oppression of hearing people making decisions on their behalf. Any time such freedoms are granted, there is a chance that a small subgroup will take advantage of that freedom to serve their own interests; still, more good than harm results from the majority exercising their rights, in this case the right to equal access and functional equivalence.

It seems much of the concern is over scam calls where one caller is seeking to defraud another. Again, I feel the focus is misplaced on the interpreter. Each individual has the responsibility to make informed decisions about their own personal financial dealings, or not, as the case may be. If there is a need in this regard, the need is to educate the Deaf community, just as the introduction of internet banking has caused a need for the population at large to become vigilant in protecting personal assets. The Deaf community will be better served by providing simple concrete instructions in protecting their personal information than by entrusting an intermediary (the interpreter) to become well-versed on an ever-changing laundry list of potential scams.

In conclusion, I can't help but think, if I as the interpreter am put in a position to make these judgments about what I am interpreting, what if I'm wrong? Such proposals would give me the power to do devastating harm to the Deaf consumer, damaging their credibility and reputation.